

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

BARROW  
Jury demand date: 10-17-72 by Pltff.

72-C-334) Con  
72-C-335)  
72-C-338)  
72-C-417)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>CHARLES C. BAKER and DOROTHY BAKER, husband and wife, and next of friends of CHARLES C. BAKER, JR., and LINDY BAKER, minors, DEBBIE HENDERSON, a single person, HERBERT SCOTT, WINFIELD SCOTT, EVIS and SHIRLEY HARVILL, husband and wife; WAYNE and SHIRLEY RAKE, husband and wife; ROMAN E. CAROLYN L. WARD, husband and wife; JAMES W. and MARYBELLE CASEBEER, husband and wife; ZEDDIE A. and AUDREY CANNON, husband and wife; and all other parties similarly situated along or near TRANSOK PIPELINE COMPANY, an Oklahoma Corporation, right-of-way transmission pipeline from Ames, Oklahoma, to Oologah, Oklahoma, all within the State of Oklahoma especially located in Washington and Rogers Counties,</p> <p>Plaintiffs</p> <p>VS.</p> <p>CENTRAL AND SOUTHWEST CORPORATION, a foreign corporation, doing business in the State of Oklahoma, PUBLIC SERVICE COMPANY OF OKLAHOMA, an Oklahoma Corporation, WILLIAMS BROTHERS ENGINEERING COMPANY, a corporation doing business within the State of Oklahoma, R. H. FULTON, INC., a foreign corporation doing business within the State of Oklahoma, PANHANDLE CONSTRUCTION COMPANY, INC., a foreign corporation doing business within the State of Oklahoma, UNITED STATES STEEL CORPORATION, a foreign corporation doing</p>		<p>For plaintiff: Gerald E. Kamins <del>217 West 5th St.</del> 1810 E. 15th Tulsa, Oklahoma 74103 (582-2244) Pat Malloy Thurston National Bldg. Tulsa, Oklahoma 583-0301 74103</p> <p>DEFENDANT: Harry Seay (Williams Bros. Eng. Co.) Fred Nelson 805 Bank of Oklahoma Bldg. Tulsa, OK 74103</p> <p>For defendant: Bert M. Jones (U.S. Steel Corp.) 2900 4th Nat'l Bldg., Tulsa (582-1173) Robert L. Lawrence P. O. Box 201 Tulsa, Okla 74102 For Public Ser. Co. &amp; Transok PL Co. Bert M. Jones 2900 4th Nat'l Bank Bldg Tulsa, Okla 74119 582-1173 - For US Steel Joseph A. Sharp (Kendall Co.) 200 Franklin Bldg., Tulsa 74103 Wm. C. Anderson (Central &amp; S.W. Corp.) 1200 Atlas Bldg., Tulsa. 74103</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-72	Clerk	9/12/72	Jones	15 00	
J.S. 6 mailed 4-1-76	Marshal	9-14	C.D.No.12		15 00
Basis of Action:	Docket fee				
	Witness fees				
Action arose at: Money damage and injunction	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-12-72	Petition for Removal from Dist. Court of Rogers County, Oklahoma, filed. r	
9-12-72	Bond on Removal in amt of \$500.00. Principal being U.S. Steel Corp; Surety being Fed. Ins. Co. w/Power of Atty attached, filed. r	
9-12-72	Notice, filed. r	
9-13-72	Proof of filing, filed. hm	
9-13-72	Acknowledgment of the Clerk of Dist. Ct. of Rogers County, Okla., of receipt of copy of notice, petition & bond on removal, filed. hm	
9-18-72	Application for extension of time by defendants, Public Service Co. of Oklahoma and Transok Pipeline Co. to 10-3-72, filed. Extension granted by Clerk of Court. ds <i>copy mailed Kamin</i>	
9-21-72	Application of U. S. Steel Corp. for an extension of time to answer to 10-3-72, filed. ds	
9-21-72	Order allowing <sup>U.S. Steel</sup> extension of time to 10-3-72, filed. Granted by Clerk of Court. ds <i>copy to Kamin</i>	
9-25-72	Motion of the Pltf.s to Remand, filed. v	
9-26-72	Brief in support of Pltf.'s Motion to Remand, filed. v	
10-2-72	Ordered by the Court that Deft.s are granted 10 days from this date to respond to Pltf.'s Motion to Remand, filed on 9-25-72. (AEB-J)v	
10-3-72	Motion to dismiss, w/brief of def. U.S. Steel Corp., filed. rm	
10-3-72	Ordered that pltf. is granted 10 days in which to respond to def.'s motion to dismiss. (AEB-J)rm - ltr. written	
10-3-72	Motion to dismiss of defs. Public Service and Transok, w/brief in support thereof, filed. rm	
10-3-72	Ordered that pltf.s. are granted 10 days in which to respond to defs. motion to dismiss. (AEB-J)rm - ltr written	
10-11-72	Pltf.s' application for enlargement of time to reply to defts' motion to dismiss, filed. hm	
10-12-72	Response of Deft. Panhandle Construction Co. to Pltf.s' Motion to Remand, filed. v	
10-12-72	Deft., Panhandle Construction co.'s Brief in Response to pltf.s' motion to remand, filed. v	
10-12-72	Brief of defendant U.S. Steel in opposition to plaintiffs' motion to remand, filed. ds	
10-12-72	Response of Defts Public Service Co. of Okla., Transok Pipeline Co., and Central and South West Corp., to Pltf's Motion to Remand, filed. r	
10-12-72	Brief in support of Response of Defts' Public Service Co. of Okla., Transok Pipeline Co., & Central and South West Corp., to Pltf's Motion to Remand, filed. r	

(CONT)

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Defendants  
Continued  
From Page 1

business within the State of Oklahoma,  
CONAM INSPECTION COMPANY, INC., doing  
business within the State of Oklahoma,  
MOODY ENGINEERING COMPANY, a foreign  
corporation with principal offices in  
Pittsburg, Pennsylvania, THE KENDALL CO.,  
a foreign corporation doing business  
within the State of Okla., and TRANSOK  
PIPELINE COMPANY, an Oklahoma Corp.

*Defendants attorneys continued*

Donald G. Hopkins  
Paul McBride (Panhandle)  
Box 1439 (Tulsa) 587-3361  
Tulsa, Oklahoma 74101



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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-12-72	Deft's (Central & South West Corp) Motion to Dismiss, filed. r	
10-12-72	Deft's Brief in support of Motion to Dismiss, filed. r	
10-12-72	Ordered that pltf is granted 10 days in which to respond to deft's Motion to Dismiss (AEB-J)r Letter Written.	
10-13-72	Order enlarging time 10 days in which to respond to defendant's motion to dismiss granted to plaintiffs filed.h	
10-17-72	Pltf's DEMAND FOR JURY TRIAL, filed. r	
10-20-72	Application for leave of Court to file amended petition, D. C. of Rogers Co. Okla; further leave of court to file amendment to petition herein, filed. ds - copy to Marilyn	
10-20-72	Motion of def. Panhandle Const. to dismiss, w/brief in support thereof, filed. rm	
10-24-72	Ordered that pltf's are granted 10 days in which to respond to def. Panhandle's motion to dismiss. (AEB-J)rm	
10-24-72	Response of pltf's. to defs.' motions to dismiss, filed. rm	
10-26-72	Brief of defts. Pub. Serv. Co. of Okla., Transok Pipeline Co., and Central & Southwest Corp. in response to pltf's' applic. for leave of court to file amended petition, Dist. Court of Rogers County, State of Okla., further leave of court to file amendment to petition herein, filed. hm	
10-26-72	Response of the Deft. Kendall Co. to Pltf.s' Motion to Remand and Brief in Opposition Thereto, filed. v	
11-21-72	Motion of defs. Central and SW Corp., Public Service, Transok, and Paul Mills, an ind. d.b.a Moody Eng., to consolidate, with brief in support thereof, filed. rm	
11-21-72	Ordered that pltf's. are granted 10 days in which to respond to said defs. motion to consolidate. (AEB-J)rm - ltr. written	
11-22-72	Reply brief in support of motion to dismiss of defts. Central & South West Corp., Public Service Co. of Okla. & Transok Pipeline Co., filed. hm	
11-22-72	Deft. R. H. Fulton, Inc., brief in response to pltf's' motion to remand, filed. hm	
11-22-72	Response of deft. R. H. Fulton, Inc. to pltf's' motion to remand, filed. hm	
11-28-72	Order consolidating, filed, that motion to consolidate is sustained, and cases 72-C-417, 72-C-338 and 72-C-335 are consolidated with this case. (AEB-J)hm (copies mailed)	
12-22-72	Pltf's motion to remand (72-C-417), filed. hm	
12-22-72	Brief in support of pltf's motion to remand (72-C-417), filed. hm	
12-22-72	Pltf's response to motion to dismiss (72-C-417), filed. hm	
12-22-72	Brief in support to the response to motion to dismiss (72-C-417), filed. hm	
12-22-72	Pltf's demand for jury trial (72-C-417), filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-27-72	Reply Brief to Reply Brief in Support of Motion to Dismiss of Deft.s Central and South West Corp., Public Service Co. of Okla. and Transok Pipeline Co., filed. v	
1-16-73	Ordered by the Court that Magistrate conduct hearing on Pltff's application for leave of court to file amended petition, Dist. Court of Rogers County-further leave to file amendment to petition herein; pltf's motion to remand and motions of defts. to dismiss. (AEB-J)hm	
1-16-73	Hearing held on above motions. It is recommended that pltf's application for leave of court to file amended petition, etc. be sustained; that pltf's motion to remand be overruled; that motions to dismiss of defts. U.S. Steel, Pub. Serv. Co., Transok Pipeline Co., Central & Southwest Corp, Panhandle Construction Co. & Paul A. Mills, d/b/a Moody Eng. Co., each be sustained. Deft. Pub. Serv. & Transok to prepare F&R within 5 days. (MLB-Mag)hm	
1-23-73	Leave granted to amend petition, filed. (AEB-J)g	
1-23-73	Amendment to original petition & amended petition, filed. g	
4-6-73	Findings and Recommendations of Magistrate, filed. jj	
4-6-73	Pltfs. Objections to Findings and Recommendations of Magistrate, filed. jj	
4-6-73	Ordered by the Court that defts' are granted 10 days from this date to respond to pltfs' Objections to Findings & Recommendations of Magistrate. (AEB-J) jj	
4-20-73	Response of defts. Panhandle & Fulton, Inc. to pltf. obj. to F&R, with request for add. 10 days to file further response if pltf. files add. obj. rm	
4-23-73	Appl. for extension of time within which to file reply to Pltff.'s Objections and Brief, filed. v -order as part of pldg., all to Judge.	
4-23-73	App. of pltfs. for ext of time to file suppl. briefs, filed. rm	
4-24-73	Order granting defts. 10 days add. time to respond to pltf. obj. to F&R after same is filed in ct. (AEB-J)rm	
4-25-73	Order, filed, that Pltff.s have 5 extra days to file supplemental briefs. (AEB-J)v	
4-30-73	Suppl. brief of pltf. in support of obj. to Mag. dismissal of pltf. law suit, filed. rm	
5-11-73	Defts., Panhandle and R.H. Fulton, Inc., Response to Objections to Findings and Recommendations of Magistrate, filed. jj	
5-11-73	Brief of Panhandle and R.H. Fulton, Inc., defts. in Support of Response to Objections to Findings and Recommendations of Magistrate, filed. jj	
5-11-73	Brief of U.S. Steel, Deft., in Response to Plaintiffs' Brief and Supplemental Brief in Support of Pltfs' Objection to Magistrate's Findings, filed. jj	
5-11-73	Response of deft. s Pub. Ser. Transok, Central & Southwest Corp. and Mills to Objections to Findings and Recommendations of Magistrate, filed. jj	
5-11-73	Brief of defts. in support of Response to Objections to Findings and recommendations of Magistrate, filed. jj	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-14-73	Response of def. Kendall Co. to pltf's obj. to F&R, w/brief, filed.rm	
5-2-75	Notice by Gerald K. Kamins of atty. lien, filed. rm	
3-9-76	Findings of Fact and Conclusions of Law, filed & entered. (AEB-J)k	
3-9-76	Orders and Judgment of Dismissal, filed & entered. Ordered that: (1) Pltfs' mots. to remand are denied; (2) pltfs' appl. for leave to file amended petition, Dist. Court of Rogers County - Further leave to file Amendment to Petition Herein is sustained; (3) mots. to dismiss of defts. U. S. Steel Corp., Public Service Co. of Okla., Transok Pipeline Co., Central and South West Corp., Panhandle Construction Co., Paul A. Mills, an individual, d/b/a Moody Engineering Co., & the Kendall Co., all of which mots. have been adopted by deft. R. H. Fulton, Inc., and which have been considered, by agreement of counsel, as being directed to pltfs' petition, as amended by Amendment to Petition, are sustained; (4) F&R of Mag. are sustained (except as modified herein or in F/F & C/L), and pltfs' objs. to F&R are overruled; and (5) action is dismissed as to all defts. w/ prejudice to re-filing, so long as the Findings and Order of the Corporation Commission of the State of Oklahoma entered in Cause No. 24319, now on appeal in Case No. 45994 before Okla. Supreme Court, remain in full force & effect, and are not altered in any material respect pertaining to the basic findings that the pipeline is safe, properly designed and constructed in substantial compliance w/ applicable safety standards & regulations. (AEB-J)k cps mld	
3-15-76	Amended Conclusions of Law and Amended Judgment of Dismissal, fld. & entered. (AEB-J)v -cps. mld.	
3-19	Mot. of Pltfs. for New Trial, Mot. to Reconsider & Mot. to Vacate & Clarify, fld. (Brief to be in 3-22-76) v	
3-29	Pltfs' brief in support of mot. for new trial, mot. to vacate and mot. to reconsider, filed.k	
3-30	MO: It is ordered by the Court that Defts. are hereby granted ten (10) days from this date to respond to pltfs' mots. for new trial, to vacate and to reconsider filed 3-19-76 and pltfs' brief in support of said mots. filed 3-29-76. (AEB-J)k cps mld	
4-2	Response of Deft. Kendall co. to Pltf's motion to vacate & to reconsider, filed. b	
4-6	Response of R. H. Fulton & Panhandle construction Co., Inc. to Pltfs. Mot. to vacate and to reconsider, filed.t	
4-9	Response of defts Central and South West Corp., Public Service Co. of Okla, Transok Pipeline Co., and Paul A. Mills, d/b/a/ Moody Engr. Co. to pltfs' motion for new trial, motion to reconsider and motion to vacate and clarify, filed. lm	
4-9	Response of deft., United States Steel Corp, to motion for new trial and to vacate and reconsider, filed. lm	

BARROW

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DATE 1976	PROCEEDINGS	Date Order or Judgment Noted
6-15-76	Order, filed, that Pltfs' motion for new trial; motion to reconsider; and motion to vacate and clarify be and is hereby overruled. (AEB-J)s cps. mld. Entered.	
6-25	Notice of appeal by plaintiffs from judg. of 3/9/76 and order overruling mo/new trial of 6/15/76, filed. rm (copy to USCA)	
7-1	Pltf. Charles C. Baker et. al.'s designation of record, filed.s	
7-12	Counter-designation of record on appeal and motion of defs. Central and SW Corp., PSC, Transok & Mills dba Moody Eng., to strike portions of pltfs designation of record, or alternatively, to compel designation of addl. portions of record, WITH LEAVE OF COURT to file brief within 10 days, filed. (AEB-J)rm	
7-21	Defts' Central & South West Corp., Public Service Co. of Okla., Transok Pipeline Co., and Paul A. Mills' brief in support of mot. to strike portions of pltfs' designation of record, or in the alternative, to compel designation of additional portions of record, filed.s	
MO	It is ordered by the Court that the Pltfs. file a responsive brief within 10 days to the defts' counter-designation of record on appeal and motion of defts' to strike portions thereof.s (AEB-J) cys mld.	
8-4-76	Order, filed, granting Clerk to 9/13/76 to prepare and transmit original record on appeal. (AEB-J)rm-copies to counsel and USCA	
8-6	Order, filed, striking appellant's designation of record, re 18 pages of transcript; that if pltf. obtain a record of all proceedings had before Okla. Corp. Com. in Cause No. 24319 and a certified copy is transmitted to Clerk of this Ct. by 9/6/76, then Ct. Clerk is hereby ordered to include said record on appeal in this case. (AEB-J)rm-copies mailed	
9-8-76	Appeal record (2 vols.) sent to USCA. g	
12-9-76	Mandate of USCA, 10th Circuit, dismissing appeal for lack of prosecution pursuant to Rule 14(b), filed & spread of record. g	
12-17	Order, filed, directing Clerk to disburse \$250.00 appeal bond to Gerald Kamins. (AEB-J)k cpy & Ck mld.	
6-6-77	Original appeal record (2 vols) received from USCA. rm	
11-8-77	Pltfs. appl. to permanently w/draw transcript of ancillary proceedings from court records. fld. ho 0 to J.	
11-9	Order, fld. directing the Clk. to release transcripts from ancillary proceedings before the OK Corp. Comm. (AEB-J) cps mld. to movant. ho	